

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Tammy Stack,
Plaintiff,

vs.

Portfolio Recovery Associates, L.L.C.
Defendant.

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Civil Action No.: 3:15-cv-02932

**DEFENDANT PORTFOLIO RECOVERY ASSOCIATES L.L.C.'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Portfolio Recovery Associates, L.L.C., herein Defendant, and file this Original Answer, and will show onto this Court as follows:

Jurisdiction

1. Defendant admits that Plaintiff alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the “FDCPA”). Defendant denies any violation of the FDCPA.
2. Defendant admits Paragraph 2.
3. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 3, therefore Defendant denies Paragraph 3.

Parties

4. Defendant admits Plaintiff is an individual. Defendant lacks information or knowledge sufficient to form a belief about the truth of the remaining allegations in Paragraph 4, therefore Defendant denies Paragraph 4.

5. Defendant admits Paragraph 5.

Allegations

6. Defendant admits that Plaintiff incurred a financial obligation to Lowes. Defendant lacks information or knowledge sufficient to form a belief about the truth of whether this financial obligation qualifies as a debt under the FDCPA.

7. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 7, therefore Defendant denies Paragraph 7.

8. Defendant admits Paragraph 8.

9. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 9, therefore Defendant denies Paragraph 9.

10. Defendant admits placing calls to Plaintiff. Defendant lacks information or knowledge sufficient to form a belief about whether Plaintiff was at her place of employment, and therefore denies it. Defendant denies the remaining allegations of Paragraph 10.

11. Defendant denies Paragraph 11.

12. Defendant denies Paragraph 12.

13. Defendant denies Paragraph 13.

14. Defendant denies Paragraph 14.

15. Defendant denies Paragraph 15.

Count 1 - FDCPA

16. Defendant realleges and reincorporates by reference all of the above Paragraphs as though fully stated below.

17. Defendant denies Paragraph 17.

18. Defendant denies Paragraph 18.

19. Defendant denies Paragraph 19.

20. Defendant denies Paragraph 20.

21. Defendant denies Paragraph 21.

22. Defendant denies Paragraph 22.

23. Defendant denies Paragraph 23.

Count 2 – TDCA

24. Defendant realleges and reincorporates by reference all of the above Paragraphs as though fully stated below.

25. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 25, therefore Defendant denies Paragraph 25.

26. Defendant admits Paragraph 26

27. Defendant denies Paragraph 27.

28. Defendant denies Paragraph 28.

29. Defendant denies the relief sought in Plaintiff's Prayer and each of its subparts.

Affirmative Defenses

30. Any violation if it occurred was the result of a bona fide error.

31. Plaintiff's damages if any are the result of the actions of third parties over whom this Defendant has no control.

32. Plaintiff's damages, if any were pre-existing damages not caused by Defendant.

33. Plaintiff has failed to mitigate damages if any.

34. Plaintiff proximately caused his own damages, if any.

Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Defendant Portfolio Recovery Associates, LLC respectfully requests that all claims against Defendant be dismissed, that Plaintiff take noting, and for all other relief in law and in equity.

Respectfully submitted,

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of November, 2015, I electronically transmitted the foregoing via CM/ECF, to all counsel of record as follows:

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